and of the materials and of the several heights and thicknesses hereinbefore directed for external walls of the rate to which such house or building shall belong; and such owner may for that purpose cut off the footings of such party wall on the side next the wall so to be built; and the owner of such house or building shall give *One Month's* notice in writing to the owner or occupier of the adjoining house or building of his intention to rebuild his house or building, and to build a wall against such party wall, and of his desire to cut away such portion of the footings, and of the breasts and chimney-shafts belonging to the house or building about to be rebuilt, as shall project beyond the perpendicular face of such party wall in the lowest floor thereof; and from and after the expiration of such notice it shall be lawful for the owner of the house or building to be rebuilt, to cut away such portion of the footings, breasts and chimney-shafts aforesaid, provided the same be done, and the brick-work where cut be made good again in cement, under the superintendence and to the satisfaction of the Surveyor: and in case such party wall shall be so damaged and injured by such cutting away, as in the opinion of the Surveyor or of the owner or occupier of either of the houses or buildings adjoining thereto, to be ruinous or dangerous, then the same shall be surveyed, and if condemned shall be pulled down and rebuilt as a party wall, in manner herein directed with respect to the condemning ruinous and defective party walls; but if such damage or injury shall have been occasioned, in the opinion of the Surveyor and Official Referees surveying the same, by the neglect of, or the want of proper care or of proper shoring by the owner or occupier of the house to be rebuilt, then and in such case, all the costs and expenses attendant on such survey, and on the pulling down and rebuilding of such party wall, and on the reinstating and making good all the internal finishing and decorations damaged thereby, shall be borne and paid by such owner or occupier; and if such owner or occupier shall not proceed with all due despatch to pull down and rebuild such party wall, and to reinstate and make good all the internal finishings and decorations, and to pay the costs and charges and expenses of the survey, then it shall be lawful for the owner or occupier of the adjoining house or building to do so, and to recover all the costs and expenses arising therefrom, from such owner or occupier, his heirs, executors, administrators or assigns, in manner hereinafter directed for recovering the expenses of party walls.

And be it Enacted, That when any house or building shall have been rebuilt with an external wall against a party wall which shall not have been found ruinous and decayed, and shall not have been condemned for insufficiency of thickness, such wall shall be deemed to remain as a party wall until the adjoining house or building shall be pulled down or rebuilt (if such party wall shall so long continue sound), and when such party wall shall be pulled down, the owner of such adjoining house shall not be entitled to more than *One-half* the materials thereof, nor to more than *One-half* the ground on which such party wall was built, nor shall he build on more than the *One-half* of the said ground, unless he shall have agreed with and satisfied the owner of the house or building so previously rebuilt for his half thereof; and in case the said owners cannot agree concerning the division of such materials of ground or the building thereon, or the reimbursement of the party first rebuilding as aforesaid, the price and all matters in difference shall be settled by a reference to the Official Referees, whose decision shall be final.

And be it Enacted, That every notice by this Act required to be given to the owner of any house, building or ground, shall, if such owner be a married female, be given to the husband of such married female; or if such owner shall be an infant, idiot or lunatic, then to the guardian, trustee or committee of such infant, idiot or lunatic; or if such owner, husband, trustee, guardian or committee is not known or cannot be found, then to the occupier of such house, fence, building or ground, or if such house, building or ground be unoccupied, then shall be affixed to some conspicuous part of such house, building, fence or ground at a height of not more than *Nine* Feet from the ground; and every such notice when so given to such persons respectively as aforesaid, or left at the usual or last place of their respective abodes, or when so affixed as aforesaid, according to the cases hereinbefore mentioned, shall have the same effects and consequences to all intents and purposes as if given to the actual owner, and any notice hereby required to be given to any of the parties aforesaid may be left at their usual or last place of abode.

And be it Enacted, That when any party wall, party arch or external wall of any house or building used wholly or in part as a party fence wall shall be defective or so far out of repair as to render it necessary to pull down and rebuild the same, or some part or parts thereof, as well when neither of the adjoining houses or buildings may require to be rebuilt, as when the said houses or buildings, or one of them, may be required to be rebuilt, then any owner or occupier of any house or building, or of any ground adjoining such defective wall, who shall think it necessary to repair, pull down or rebuild the same, or any part thereof, shall, (in case the owner or owners of the adjoining house or building or ground will not, or by reason of any legal disability or otherwise cannot agree touching the repairing or pulling down or rebuilding the same), give *Six* Weeks' notice in writing to the owner or occupier of such adjoining house or building or ground, of such his intention to repair or pull down such party wall or party arch or external wall, or any part thereof, which notice shall state the fact of such party or external wall or party arch, or some part thereof, being so far out of repair as to render it necessary to repair or pull down and rebuild the same, or some part thereof, and that the party giving such notice desires that the same shall be referred to the Official Referees, and thereupon the same shall be referred to such Referees, who shall within *Ten* Days after the expiration of the said *Six* Weeks proceed to view such party wall or party arch or external wall, and certify the state and condition thereof; and in case they shall certify in writing under their hands that the party wall or party arch or external wall described in such notice, or any part thereof, is decayed and ruinous, or is not sufficiently secure against fire, and that the same ought to be repaired or pulled down, then a copy of such certificate signed by the said Referees within *Three* Days next after such certificate being signed shall be delivered to the owner or occupier or owners or occupiers of, or left at such adjoining house or building or ground, or fixed on the door or other conspicuous part thereof as herein directed for the first notice; and such certificate shall be immediately filed with the Clerk of the Peace; and every such certificate shall be as binding and conclusive in all respects, and shall have the same effect and confer the same powers, to be enforced by the same penalties, and be exercised, subject to the same restrictions, and in the same manner in all respects as hereinafter directed concerning certificates to be made in matters of intermixed properties; and such wall shall be built in the manner hereinbefore described for party walls, party arches and external walls of the highest rate of building to which such wall shall adjoin, such party walls to be built *One-half* on the ground of one owner and *One-half* on the ground of the other owner: Provided that nothing herein contained shall render it lawful for the party who shall think it necessary to repair or pull down or rebuild such party wall, party arch or external wall, to commence such pulling down, repairing or rebuilding, or to enter into or upon the adjoining house or building for that purpose, without the consent of the owner thereof, until the expiration of *Six* calendar Months after the date of the notice hereinbefore directed to be given.

And be it enacted, That where any house or building shall have a good and sound timber partition between the same and any other house or building, such timber partition may remain until one of the said houses or buildings shall be rebuilt, or shall have one of either of its fronts taken down the height of one floor, or for a space equal to one-fourth of such front from the level of the second-floor upwards, or until such timber partition shall be condemned pursuant to the directions herein contained concerning ruinous or defective walls and party partitions; but if the owner of either of the houses or buildings divided by such timber partition shall be desirous to pull down and remove the same, and build a party wall in the place thereof, it shall be lawful for him to do so, provided that he shall give *Six* Months' previous notice in writing to the owner of the adjoining house or building of his intention to pull down such timber partition, and instead thereof to build a party wall agreeably to this Act; and from and after the end of *Six* Months from the date of such notice, it shall be lawful for the owner of such house or building to pull down the said timber partition, and the wall under or over the same, if any such there be, and to have and exercise the like power of entry into and upon the said adjoining house or building and ground, or of breaking open the same, in the presence of a peace officer, in case the same be unoccupied or be refused to be opened, and of removing any wainscot, shelves, furniture or other things, and of shoring up the said adjoining house or building as by this Act is given and allowed to the owners of intermixed properties, and shall and may in the place of such timber partition and of the wall under or over the same, if any such there be, build a new party wall in the manner, and of the materials, and of the several heights and thicknesses hereinbefore described for party walls of the highest rate of building to which such party wall shall adjoin, with such right of recovering one-half the cost thereof as is herein directed in respect of party walls.

And be it Enacted, That no fence or party fence, of any material whatever, between the ground of different owners shall exceed a height of *Nine* Feet above the ground on either side thereof without the consent of all such different owners; and that no party fence wall shall be less than *Eight Inches and a Half* thick; and it shall be lawful for the owner of the ground on either side of a party fence or party fence wall to raise or pull down and rebuild the same at his own proper cost and expense, to any height not exceeding *Nine* Feet above the ground on either side thereof.

And be it Enacted, That no party fence wall shall be used as a party wall unless the same shall be built in the manner, and of the materials, and of the several heights and thicknesses hereinbefore described for party walls, of the rate of the building to be erected against the same; and in case such wall shall not be so built, or that there shall be only a wooden party fence, then the owner or occupier of either of the adjoining tenements shall be at liberty, at his own expense, to take down such wall or fence and erect a new party wall in lieu thereof, making good every damage that may accrue to the adjoining premises by such rebuilding, so nevertheless that such new party wall shall have its centre upon the old centre line of the old party wall or party fence; but no owner or occupier of such adjoining premises shall make use of such party wall otherwise than as a party fence wall, unless he pay a proportionate share of the whole expense of erecting such parts of such wall, according to the use he shall make of the same at the rates aforesaid: Provided also, That in case any party wall shall extend further upon the ground of the owners building the same than the party fence or party fence wall did, yet the party rebuilding the same shall not thereby lose any part of the soil whereon such party wall shall be built, nor shall the owner of the other part of such party wall claim to be entitled by reason of such rebuilding to any right of soil more than what he was before entitled to.

And be it Enacted, That every owner or occupier who shall think it necessary for any fence, party fence or party fence wall, or any part thereof adjoining to his ground, or between his ground and the ground of another owner, to be repaired, pulled down, rebuilt or refixed, shall (in case the owner or occupier of such adjoining ground will not, or by reason of any legal disability or otherwise cannot, agree touching the same), give *One Month's* notice in writing to the Surveyor and to the owner of such adjoining ground, in manner before provided, of his desire to have such fence, party fence, or party fence wall repaired, pulled down, rebuilt or refixed, by delivering a copy of such notice to such Surveyor and to such owner; and every such owner, if he is known and can be met with, or in case such owner be under disability as aforesaid, then such person or persons as aforesaid to whom such notice shall be given, and such Surveyor, shall meet at the time and place appointed in such notice, and shall view such fence, party fence, or party fence wall; and in case the owner of such adjoining ground, or such other persons as aforesaid, having notice as aforesaid, shall refuse or neglect to attend according to such notice, or shall not be known, then the Surveyor, by himself, shall view the said fence, party fence or party fence wall desired to be repaired, pulled down, rebuilt or refixed; and in either case shall certify in writing, under his hand, the state and condition of such fence, party fence or party fence wall, and whether the same or any part thereof ought to be repaired or pulled down, or rebuilt or refixed; and in case the Surveyor shall certify in writing, under his hand, that the fence, party fence or party fence wall described in such notice, or part thereof, is decayed or ruinous, and that the same ought to be repaired or pulled down, rebuilt or refixed, then within *Three* Days next after such certificate made by such Surveyor as aforesaid, a notice thereof shall be delivered to the owner or occupier of such adjoining ground, or left at his or their last or usual place of abode; and such certificate shall be immediately filed with the Clerk of the Peace; and then and in every such case, and not otherwise, it shall be lawful for the owner or occupier desiring to have such fence, party fence or party fence wall, repaired or pulled down, rebuilt or refixed as aforesaid, to cause such fence, party fence or party fence wall, or any part thereof to be repaired or pulled down, or rebuilt or refixed; and that the person authorized by such certificate, his heirs, executors and administrators, servants or workmen, and also his builders and their workmen, shall have and exercise all the like powers within the like period, and sanctioned by the same penalties, and in all respects in the same manner as hereinafter directed concerning intermixed properties after verdict or judgment given: Provided always, That the expenses of such repair, pulling down, rebuilding or refixing (including Surveyor's fees) shall not be recoverable, except as hereinafter directed, for the reimbursement of the expenses of party walls.

And be it Enacted, That when a party wall or party arch cannot be built upon proper foundations between houses and buildings that are over public ways, or that have rooms or floors, the property of different persons, lying intermixed, without pulling down such houses or buildings and laying parts of each to the others, and that the owner or owners thereof or some or one of them will not (or cannot, by reason of some legal disability or otherwise) join in building a proper party wall or party arch, or in pulling down such houses and laying parts of each to the other, or in case differences shall arise amongst them, so that the rebuilding the same, and of the party wall or party arch thereof, be thereby prevented and delayed to the injury or inconvenience of such owner or owners as are desirous of rebuilding; then such owner or owners as shall be desirous of rebuilding such house or other building shall give notice in writing to the owner of such adjoining house or other building, or of the other parts of such intermixed house or building, that the person so intending to rebuild will apply to the Official Referees, in order to obtain award touching the rebuilding such house or houses or other buildings, or such party wall or party arch to be described in such notice, and for ascertaining the site of a party wall or the situation of any party arch to be built according to the directions and restrictions in this Act contained; and in every case it shall and may be lawful for the said Official Referees, and they shall inquire and determine whether the premises in any of the cases aforesaid ought to be built or not, and if the same ought to be rebuilt, shall determine the site of a party wall, and also what party arches may be necessary over or under any rooms of such house or houses or other buildings so intended to be rebuilt, or shall ascertain the quantity of the soil or ground, or other parts of the premises (if any) necessary to be laid to or taken from the house of the person or persons desirous to rebuild, permitting such person or persons to erect a party wall or party arch; and shall ascertain what (if any) compensation should be made and paid by either or any of the said owners in difference to the other or others of them in lieu of the lessening either of the said buildings by such party wall or party arch, or as a satisfaction for such other injury (if any) as shall be done or occasioned thereby, to any of the said parties; and shall also ascertain what proportion of the expense of building such party wall or party arch shall, when the same are so built, be repaid by either or any of

For a comprehensive guide on PCR and PDF Compression visit ThePaperlessOffice.org